

## **REMARKS**

The last Office Action of September 25, 2009, has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 15-28 are pending in the application. Claims 15, 16 have been canceled. Claims 17-19, 21-26 and 28 have been amended. Claims 29-32 have been added. Claim 29 replaces canceled claim 15. Support for the new claims can be found in paragraphs [0023] to [0032] of the originally filed specification. Amendments to the specification have been made.

## **OBJECTION TO THE SPECIFICATION**

Applicant has amended the abstract for proper format and language as suggested by the examiner

Withdrawal of the objection to the abstract is thus respectfully requested.

## **CLAIM OBJECTION**

The objection to claim 15 has become moot by canceling the claim.

## **CLAIM REJECTIONS - 35 U.S.C. §112, SECOND PARAGRAPH**

Claim 25 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection has been addressed by amendments to claim 25.

Withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is thus respectfully requested.

## **CLAIM REJECTIONS - 35 U.S.C. §102(e)**

Claims 15–20 and 22–28 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 7,266,594 to Kumbalimutt et al. (hereinafter “Kumbalimutt”)

The rejection under 35 U.S.C. 102(e) is respectfully traversed in view of the presentation of new independent claims 29 and the following remarks.

Claim 29, which replaces canceled claim 15, recites a method for automatic configuration of an automation component of an automation system, with the steps of storing on a server a plurality of configuration data records for automation components of the automation system, having a client check whether it has an initial configuration data record that allows identification of its functionality, and the client request, if no initial configuration data record that allows identification of its functionality is present on the client, from the server an initial configuration data record. The client identifies its functionality based on the initial configuration data record and requests from the server a second configuration data record commensurate with the identified functionality. The client then automatically loads from the server the second configuration data record and configures the client.

The other independent claims 26 and 28 have been amended and now substantially recite the same features as claim 29.

As described in the specification, when they knew module is connected in an automation system, the associated automation appliance must be configured in accordance with the functionality of the module. With the disclosed method, an automation appliance without a configuration loaded in it can be automatically supplied with the configuration appropriate for its specific function within the machine, when the machine is connected. A configuration data record can be selected from a plurality of configuration data records stored in the server that is appropriate for the functionality offset client. In this way, several versions of one configuration data record can be used, which is advantageous if further developments are contemplated.

Applicant has reviewed the text passages in Kumbalimutt cited in the office action and believes that Kumbalimutt does not disclose at least the features of a client checking whether it has an initial configuration data record that allows identification of its functionality, and the client requesting, if no initial configuration data record that allows identification of its functionality is present on the client, from the server an initial configuration data record; and the client identifying its functionality based on the initial configuration data record.

For the reasons set forth above, it is applicant's contention that Kumbalimutt neither teaches nor suggests the features of the present invention, as recited in independent claims 26, 28, 29.

Since claims 17-20, 22-25, 30-32 depend from claim 29 and claim 27 depends from claim 26, claims 17-20, 22-25, 30-32 contain all the limitations of claims 29 and 26, respectfully. As such, claims 17-20, 22-25, 30-32 are patentable over Kumbalimutt in the same manner as claims 29 and 26, respectively.

Withdrawal of the rejection under 35 U.S.C. §102(e) is thus respectfully requested.

#### **CLAIM REJECTIONS - 35 U.S.C. §103(a)**

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 7,266,594 to Kumbalimutt et al. to in view of U.S. Pat. No. 7,363,480 to Righi et al.

The rejection under 35 U.S.C. 103(a) is respectfully traversed.

Claim 21 which depends from claim 29 and therefore contains all the limitations thereof, patentably distinguishes over the applied prior art in the same manner as claim 29. In addition, applicant notes as follows:

Righi discloses a method and system for updating the firmware of a computing device. Firmware updates are based on a previously established functionality of the device. Conversely, the present invention addresses a situation where the functionality of an automation component has not yet been established. Applicant

has reviewed the Righi reference and believes that this feature, which is recited in claims 26, 28 and 29 is not disclosed in the Righi reference.

Withdrawal of the rejection under 35 U.S.C. §103(a) is thus respectfully requested.

#### **CLARIFICATION AMENDMENT**

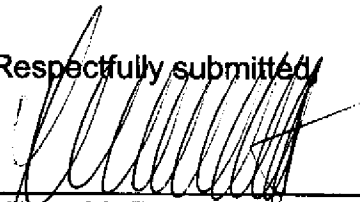
Applicant has amended paragraph [0032] of the specification to correct a word mistranslated from the German-language original. No new matter is introduced.

#### **CONCLUSION**

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,  
  
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